

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**COURTROOM PROCEEDINGS**

The court met in its courtroom at 10:00 A.M. Present: Honorable Thomas A. Harris, Acting Presiding Justice; Honorable Rebecca A. Wiseman, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Shandra Gallagher, Assistant Deputy Clerk.

**F039769 Estate of FREDERIC C. PORTER, Deceased.**

Parties stipulate that (1)Vartabedian, J., the absent assigned justice, participate in the determination of this appeal, and (2)Vartabedian, J. to listen to the recording of oral proceedings upon his return.

Cause called and argued by David R. Lampe, Esq., counsel for appellant and by David J. Cooper, Esq., counsel for respondent.

Submission deferred until Wednesday, October 23, 2002 for Vartabedian, J. to listen to the recording of oral argument.

Court recessed until Friday, October 18, 2002 at 2:00 P.M.

The court reconvened in its courtroom at 2:00 P.M. Present: Honorable Rebecca A. Wiseman, Acting Presiding Justice; Honorable Herbert I. Levy, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Jill Rivera, Assistant Deputy Clerk.

**F038120 Polhemus v. Suburban Propane**

Parties stipulate that (1)Vartabedian, J., the absent assigned justice, participate in the determination of this appeal, and (2)Vartabedian, J. to listen to the recording of oral proceedings upon his return.

Cause called and argued by Paul S. White, Esq., counsel for appellant and by Robert J. Rossati, Esq., counsel for respondent.

Submission deferred until Wednesday, October 23, 2002 for Vartabedian, J. to listen to the recording of oral argument.

At this point Harris, J. sits as acting Presiding Justice.

**F039464 Najarian v. Najarian**

Cause called and argued by Ernest Tuttle, Esq., counsel for appellant and by C. Russell Georgeson, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Monday, October 21, 2002 at 10:00 A.M.

IN THE

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IN AND FOR THE

Fifth Appellate District

- F040945      Dennis Q. v. Fresno Co. Dept. of Children & Family Services**  
The petition for extraordinary writ is denied. This opinion is final forthwith as to this court.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F040343      Salmeron v. Kern Medical Center et al.**  
No brief having been filed by appellant after notice duly given under rule 17(a) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.
- F039330      People v. Heath**  
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.
- F039330      People v. Heath**  
Appellant's conviction in count V for receiving stolen property is reversed and the sentence for that count stricken. In all other respects, the judgment is affirmed.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F040939      Daniel L. v. The Superior Court of Fresno County; Fresno County Department of Children and Family Services**  
The petition for extraordinary writ is dismissed. This opinion is final forthwith as to this court.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F035608      People v. Ward et al.,**  
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

IN THE

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IN AND FOR THE

Fifth Appellate District

**F040943      Rosie S. v. Fresno Co. Dept. of Children and Family Services**

The petition for extraordinary writ is dismissed. This opinion is final forthwith as to this court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F039570      People v. Carmona**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F039570      People v. Carmona**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F041044      People v. Villanueva**

No brief having been filed by appellant after notice duly given under rule 37(b) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F038507      People v. Cornealus**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F038507**      **People v. Cornealus**  
The judgment is affirmed.  
By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F040311**      **In re the Marriage of Linda and David Rezac**  
Appellant having filed an abandonment and/or request for  
dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the  
above-entitled action is dismissed.

**F037946**      **People v. Padilla**  
Oral argument having been waived in the above-entitled case in  
accordance with the provisions of a notice mailed to counsel, the  
calendar date heretofore set is vacated and the case is submitted for  
decision.